

Serial No. 10/527,913  
Atty. Doc. No. 2002P13626WOUS

MAY 17 2007

REMARKS

Claims 21, 22, 24-30, 32, 35, 36 and 38 are currently amended. Claims 1-20, 31, 34, 39 and 40 are canceled and claims 41 and 42 are new. Thus, claims 21-30, 32, 33, 35-38, 41 and 42 are pending in the application.

THE DRAWINGS AND THE SPECIFICATION

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). In response, the specification has been amended at page 11 paragraph 21 by deleting the reference "C". It is respectfully submitted, that the objection to the Drawings has been overcome without requiring submittal of new drawing sheets.

REJECTION OF THE CLAIMS UNDER SECTION 112

Claims 21, 23-28 and 30 were rejected based on second paragraph of 35 U.S.C 112. Applicants respectfully note that only claims 26 – 28 recite "the transmission of data" thus claims 23-25 remain unchanged. Applicants have amended claims 21, 26-28 and 30 to overcome the rejection. Therefore, Applicants respectfully request that the Examiner withdraw the Section 112 rejection.

Claim Rejections Under 35 U.S.C. §102 and §103

Claims 21-23, 25, 26, 29-32, 34, 35 and 38-40 have been rejected under 35 U.S.C. §102(e) as being anticipated by Eryurek (US 6,813,532 hereinafter, Eryurek).

Claims 24, 27, 28, 33, 36, and 37 have been rejected under 35 U.S.C. §103(a) as being anticipated over Eryurek (US 6,813,532 hereinafter, Eryurek) in view of U.S. Patent No. 6,463,459 (hereinafter Orr).

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Claim 21

Eryurek merely discusses in general a process control system. Eryurek does not disclose or suggest a server for providing at least one application required for engineering, wherein a programming device is used. Eryurek merely shows:

in col. 35, lines 22-25 a remote monitoring facility,

in col. 36, lines 37-43 again the remote monitoring facility and its function to execute software, and

in col. 36, lines 50-54 again the remote monitoring facility and its function as a storing device.

The claimed engineering system enables a user to program a automation program. There for applicants amended independent claim 21 to include further language to distinguish the present application from the cited prior art.

According to the present invention a system comprises additional to the previous presented claim 21:

*"using the application provided by the server remotely via the client by an user".*

Eryurek discloses a monitoring and control system and not a system having programming engineering capabilities. To emphasize this, a further claim restriction has been added to claim 21:

*"wherein the client is a programming device".*

As discussed above Eryurek does not disclose or suggests the required claim limitations. Therefore the section 102 rejection fails.

Claim 22, 41 and 42

Claim 22, 41 and 42 are amended by the restriction "thin client". The language thin client is used frequently in the specification (paragraph 7, 13 and 21). The term "thin client" is well known by a person skilled in the art. According to the definition found in Wikipedia *"A thin client (sometimes also called a lean client) is a client computer or client software in client-server architecture networks which depends primarily on the central server for processing activities, and mainly focuses on conveying input and output between the user and the remote server."* ([http://en.wikipedia.org/wiki/Thin\\_client](http://en.wikipedia.org/wiki/Thin_client)). This language is used in the new claim 42.

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Claim 30

Applicants have amended independent claim 30 to include further limitations to distinguish the present application from the cited prior art. According to the present invention a system comprises additional to the previous presented claim 30 the feature:

*"wherein data of further automation devices is fed by the first mechanism into the server via the communication channel via at least one further client and the first means are provided for feeding data of further automation devices into the server over the communication channel via at least one further client and enabling the accessing of automation devices connected to the client from any other client within the system by routing the server making a virtual peer-2-peer communication for direct communication between the participating clients to access and configure one client system from another client system; and using at least one client as a programming device by a user."*

Eryurek does not disclose or suggests the required claim limitations. As shown in FIG 1 of Eryurek a hierarchic system structure is used. Applicants invention bursts this hierarchic structure by using a virtual peer-2-peer communication between clients in an automation scenario. Further Eryurek does not disclose or suggest that the automation system can be programmed by using a client as a programming device. Eryurek only discloses and suggests the use of programs but not the programming via a client.

The rejections under 35 U.S.C. 103 are based on the use of the Eryurek reference as the primary reference and therefore the above arguments are equally applicable to all obviousness rejections. Even if the Examiner's statements concerning the respective secondary references are correct, in view of the above discussion Applicants submit that modifying the Eryurek reference in accordance with the teachings of one or more of those secondary references still would not result in a system or method as set forth in any of the dependent claims that were rejected.

The dependent claims include all the limitations of independent claims and are therefore patentable at least to the extent of independent claim, respectively.

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**CONCLUSION**

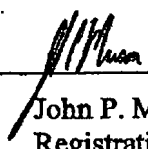
The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this amendment, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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